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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/841,423	04/23/2001	John Carney	40004572-0003-002	5451

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EXAMINER

BUI, KIEU OANH T

ART UNIT	PAPER NUMBER
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2623

MAIL DATE	DELIVERY MODE
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03/04/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/841,423	Applicant(s) CARNEY ET AL.	
	Examiner KIEU-OANH BUI	Art Unit 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 December 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 3-6, 8-11, 13 and 15-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3-6, 8-11, 13, 15-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Remark

1. Claims 2, 7, 12, and 14 have been previously canceled; and claims 1, 3-6, 8-11, 13, and 15-20 are pending for reconsideration.

Response to Arguments

2. Applicant's arguments filed on 12/12/2007 have been fully considered but they are not persuasive.

Applicants argue that Marsh's system fails to suggest or teach selectively providing matching keys or personalized data to one or more receivers via a broadcast stream, and Marsh's smartcard is solely for use within a household. However, the examiner respectfully disagrees with the applicant's arguments since the digital content are providing via the broadcast stream over the network, and the content is encrypted in a computing system, i.e., at the headend server, and then the encrypted content is providing to other (user) system via LAN, WAN or Internet for viewing (see computer system 142, col. 5/lines 1-58), and the user must have a matching key to decrypting the content to view (refer to Fig. 2, and col. 2/lines 10-17; and Fig. 3 and col. 8/lines 6-43). In addition, each receiver can receive broadcast stream at the receiver with appropriate stream receiving and decoding, refer to Figs. 1 & 3, col. 3/lines 32-41; col. 13/lines 46-60 & col. 14/lines 38-52; and as in col. 18/lines 12-50 as each individual has his/her own smart card to decrypt the content which comprised keys only available to assigned viewer, even in the same household, and/or at a different computing device not in the same household, refer to col. 2/lines 27-32).

Claim Rejections - 35 USC 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 3-6, 8-11, 13, and 15-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Marsh (U.S. Patent No. 7,080,039 B1).

Regarding claims 1, 6 and 11, Marsh discloses “in an interactive television (TV) environment, a method for selectively providing authorized interactive TV content comprising: broadcasting interactive TV content via a broadcast stream, wherein at least some of the interactive TV content is tagged content, the tagged content being marked by tags having one or more keys or personalization data; and wherein the tagged content is authorized for display only by receivers provided with matching keys or personalized data; and wherein the matching keys or personalized data are selectively provided to one or more of the receivers via the broadcast stream such that at least some of the one or more receivers are authorized to selectively output or make use of the tagged content based on matching keys or personalized data” (refer to Fig. 2 for an interactive TV system, and Fig. 3 for the media receiving device with a smart card; and Fig. 4 for a closer look at the smart card containing household identifier and key pair 270 for identifying each of the receiver or set top decoder unit- as shown in Fig. 3- and col. 6/lines 42-62

Art Unit: 2623

for media content received at the set top box; col. 9/lines 10-56 for key pair and house identifier addressed; and col. 14/lines 15-25 as media is tagged and provided to each set top box based on the identified household identifier and keypair. In addition, each receiver can receive broadcast stream at the receiver with appropriate stream receiving and decoding, refer to Figs. 1 & 3, col. 3/lines 32-41; col. 13/lines 46-60 & col. 14/lines 38-52; and as in col. 18/lines 12-50 as each individual has his/her own smart card to decrypt the content which comprised keys only available to assigned viewer, even in the same household, and/or at a different computing device not in the same household, refer to col. 2/lines 27-32).

(Claim 2 has been canceled).

As for claim 3, Marsh teaches “comprising: selectively providing the matching keys or personalization data to one or more receivers or to one or more network system nodes” (col. 15/lines 9-20 as users or group of users and multiple systems can be utilized the same technique of using matching keys or key pair to one or more receivers).

As for claim 4, Marsh further discloses “comprising: checking the tags having one or more keys or personalization data with the keys or personalization data selectively provided to the one or more receivers or the one or more network system nodes, the checking to be performed by one or more receivers via use of a remote control or directly at the one or more network system nodes using a console application” (Fig. 2 & col. 4/lines 21-67 for computer application program using at the user’s side as a console application within LAN or between other systems as noted earlier; and col. 8/lines 33-57 for key-exchange protocol & col. 9/lines 10-42 for algorithm and key matching addressed).

Art Unit: 2623

As for claim 5, Marsh further discloses “comprising: displaying the authorized interactive TV content when the checking reveals a match between a checked tag and one or more checked keys or personalization data selectively provided to the one or more receivers or the one or more network system nodes” (col. 16/line 28 to col. 17/line 18 for the authorization procedure or the checking of matched keys for one or more receivers).

(Claim 7 has been canceled).

As for claims 8-10, these claims with same limitations are rejected for the reasons given in the scope of claims 3-5 as discussed above, and further for claim 9, Marsh further includes a content protection controller module 238 (Fig. 3) as “a filtering module in network system nodes or in receivers to check the keys or personalization data within the transmitted tagged interactive TV content with the delivered keys or personalization data” for detecting and taking actions appropriately whether a key or keys or personalization data within the tagged interactive TV content, refer to col. 8/lines 23-43 and claim 1 above.

(Claims 12 and 14 have been canceled).

Regarding claims 13, and 15-20, these claims with similar features as noted earlier are rejected for the reasons given in the scope of above claims, not limited to the cited paragraphs in Marsch’s as noted above but also to the entire teaching disclosure of Marsh’s.

Art Unit: 2623

Conclusion

5. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to PTO New Central Fax number:

(571) 273-8300, (for Technology Center 2600 only)

*Hand deliveries must be made to Customer Service Window,
Randolph Building, 401 Dulany Street, Alexandria, VA 22314.*

Art Unit: 2623

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Krista Kieu-Oanh Bui whose telephone number is (571) 272-7291. The examiner can normally be reached on Monday-Friday from 9:30 AM to 7:00 PM, with alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller, can be reached at (571) 272-7353.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'K. Bui', with a long horizontal line extending to the right.

Kieu-Oanh Bui
Primary Examiner
Art Unit 2623

KB
Feb. 29, 2008